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Attorneys For Defendant and Counterclaimant  
EZGO, a division of TEXTRON INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

TK POWER, INC., a Nevada Corporation,  
Plaintiff,

vs.

TEXTRON INC., a Delaware Corporation,  
Defendant.

**CASE NO.: C 04-5098 EMC**

**STIPULATION AND [PROPOSED] ORDER  
EXTENDING TIME TO MEDIATE**

TEXTRON INC., a Delaware Corporation,  
Counterclaimant,

vs.

TK POWER, INC., a Nevada Corporation,  
Counterdefendant.

**IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN ALL PARTIES  
IN THE ABOVE-ENTITLED ACTION** through their respective counsel of record as follows:

WHEREAS paragraph 4 of the Court's April 28, 2005 Case Management and Pretrial Order  
for Jury Trial requires that "mediation shall be held in October or November 2005;"

AND WHEREAS the parties have agreed to mediate this case before Hon. Alfred Chiantelli  
on December 16, 2005;

1 IT IS HEREBY AGREED AND STIPULATED by and between all parties, through their  
2 respective counsel that the Court's Case Management and Pretrial Order for Jury Trial may be  
3 amended to allow the mediation to proceed in December 2005.

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5 **IT IS SO STIPULATED.**

6  
7 DATED: August 17, 2005

JEFFER, MANGELS, BUTLER & MARMARO LLP

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10 BY: \_\_\_\_\_/S/  
11 J.T. WELLS BLAXTER  
12 Attorneys for Defendant and Counterclaimant EZGO, a  
13 division of TEXTRON INC.

14  
15 DATED: August 17, 2005

CORNERSTONE LAW GROUP

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18 BY: \_\_\_\_\_/S/  
19 JOHN C. BROWN  
20 Attorneys for Plaintiff and Counterdefendant TK  
21 POWER, INC.

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**ORDER**

Pursuant to foregoing stipulation, **IT IS SO ORDERED** that the Case Management and Pretrial Order for Jury Trial is hereby amended to allow the mediation of this action to proceed in December 2005.

DATED: August 23, 2005

THE HONORABLE  
MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

